

REMARKS

Claims 1-15 are pending and presented for examination.

Discussion of Rejection of Claims 1-15 under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-15 under 35 U.S.C. § 103(a). In particular, the Examiner has rejected independent Claims 1, 5, and 8 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,911,132 to Sloane in view of U.S. Patent No. 6,543,903 to Fogel.

In rejecting Claim 1, the Examiner conceded that Sloane does not expressly teach a demographic audit module in communication with the medical emergency database or that the demographic audit module is configured to determine whether sufficient patient demographic data exists in the medical emergency database and to search other databases in an attempt to obtain missing demographic information. However, the Examiner has stated that:

Fogel teaches determining the data integrity of data contained in healthcare databases. (Fogel; Col. 5, line 25 to Col. 6 line 15) This includes determining if data is complete. (reads on 'determine whether there is sufficient data...') (Fogel at Col 9, lines 1-6. One of ordinary skill in the art would be motivated to vary these teachings in order to audit data and ensure that a given set of data is valid. (Fogel; Col. 5, lines 13-15.)

Applicant respectfully submits that Claim 1 is not obvious in view of Sloane and Fogel, at least because neither reference teaches or suggests a demographic audit module configured to determine whether sufficient patient demographic data exists in the medical emergency database, and search other databases in an attempt to obtain missing demographic information. The Examiner has agreed that Sloane does not teach such a demographic audit module, and Applicant respectfully submits that Fogel similarly fails to teach this claimed feature for the reasons set forth below.

Fogel is generally directed to a system for identifying data integrity issues, and showing how they can be either resolved or addressed adequately by ancillary documentation. *See Fogel*, col. 3, ll. 33-36. The system can identify data validity problems and correct them prior to data submission. *See Fogel*, col. 3, ll. 62-65. The data can be checked and a report generated which identifies data having a score corresponding to the integrity of the data, along with suggestions for resolving any data validity problems. This report can be provided in real time to the facility,

which is then able to revise the data in response to this real time report, prior to data submission. See *Fogel*, col 6, l. 53 – col 7. l. 3.

The data integrity audit system of Fogel has two versions: a prospective (real-time) version and a retrospective version. See *Fogel*, at col. 8, lines 9-10. The prospective version is intended to prompt a user to correct data errors during data entry. Specifically, Fogel states that “[c]linicians and other evaluators are to use the results of the Prospective Data Integrity Audit either to correct errors or to improve documentation for the clinical record. See *Fogel*, at col. 8, ll. 14-17. The retrospective version offers perspectives on processes of assessment, coding, and documentation that could be producing invalid data, and gives advice for improving data integrity in specific area of weakness. See *Fogel* at Col. 8, lines 33 – 35.

Applicant respectfully submits that Fogel does not disclose a demographic audit module configured to determine whether sufficient patient demographic data exists in the medical emergency database, and search other databases in an attempt to obtain missing demographic information. Rather, Fogel merely identifies potential data validity problems, prompts a user to determine whether a problem exists, and thus relies upon the user to further review and correct any data. Thus, Fogel clearly does not disclose searching other databases in an attempt to obtain missing demographic information.

Applicant notes that the Examiner has cited to a portion of Fogel which recites that a “client facility receives a list of data integrity issues found, along with likely causes, suggested fixes, and prompts for documentation of issues that might represent usual clinical circumstances rather than errors in assessment or coding.” *Fogel*, col. 9, ll. 2-6. Applicant notes that the suggested fixes discussed here do not represent missing demographic information, but rather are strategies for fixing any problems which may have been identified. See, e.g., *Fogel*, col. 27, ll. 60-64 (“The reports also explain data integrity issues to users. For each specific data integrity issue, the report instructs the user in how to determine whether that issue represents a validity problem and how to fix such problems.”). Fogel merely determines whether or not data inputted by a user meets a set of pre-defined rules.

As Fogel does not teach a demographic audit module configured to search other databases in an attempt to obtain missing demographic information, and the Examiner has conceded that Sloane does not teach the claimed feature, Applicant respectfully submits that Claim 1 is not

obvious in light of the cited art. This deficiency is not cured by the other cited references. Specifically, Kessler fails to disclose the claimed feature of a demographic audit module configured to search other databases in an attempt to obtain missing demographic data.

As Claims 5 and 8 recite a limitation similar to the limitation of Claim 1 discussed above, Applicant respectfully submits that Claims 5 and 8 are also patentable over the cited art for at least the reasons discussed with respect to Claim 1 above. Similarly, as Claims 2-4, 6-7, and 9-15 depend from Claims 1, 5, and 8, respectively, Applicant respectfully submits that they are patentable over the cited art for at least the reasons discussed with respect to Claims 1, 5, and 8, in addition to providing further patentable distinction. Furthermore, Applicant does not necessarily agree with the characterization of dependent claims or prior art made in these rejections.

No Disclaimers or Disavowals

Although the present communication includes characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/007,644
Filing Date.: November 6, 2001

Conclusion

Applicant respectfully submits that each of Claims 1-15 are patentable over the cited prior art for at least the reasons set forth above, and respectfully requests the allowance of the same.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 5/8/08

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